

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Brad Sweatland, et al., :
Plaintiffs, :
v. : Case No. 2:05-CV-0478
Barbara L. Edwards, et al., : JUDGE WATSON
Defendants. :

ORDER

The unopposed motion of defendants to join Erie Insurance Co. as a party (#8) is granted. See, e.g., Public Service Co. of Oklahoma v. Black & Veatch, 467 F.2d 1143 (10th Cir. 1972)(partially subrogated insurer is usually party to be joined if feasible). Within 30 days, Erie Insurance shall either join this action as a plaintiff by the filing of an amended complaint stating the claims of both Erie and the present plaintiffs; or, if it chooses not to do so, plaintiffs shall file an amended complaint, also within 30 days of the date of this order, naming Erie as a defendant and serving it with process. After that occurs, the Court will realign Erie as a plaintiff. See Eikel v. States Marine Line, 473 F.2d 959 (5th Cir. 1973); Balistreri v. Richard Jacobs Group, 221 F.R.D. 602 (E.D. Wis. 2004)(party which should be plaintiff but which refuses to join as plaintiff shall be named as a defendant and served with process). The Court assumes, for purposes of this order, that the joinder of Erie as a plaintiff will not affect the Court's jurisdiction.

/s/ Terence P. Kemp
United States Magistrate Judge